

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 12, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT JESSE HILL,

Plaintiff,

v.

No. 2:23-cv-00011-SAB

ORDER DENYING MOTIONS

MARIANNE NICHOLS, KAREN
MARTIN, VICKY M. DALTON, LORI
LARSEN, SANDY JAMISON, DIANNA
GALVAN, CARI HALL, GARTH FELL,
PAUL ANDREWS, JULIE LUCILLE
ELDRED BONSTEEL ANDERSON, and
LINDA FARMER,
Defendants.

Before the Court are Plaintiff's Motion for Reconsideration of the Order dismissing his First Amended Complaint, ECF No. 21, his Affidavit in support of that Motion, ECF No. 22, a Motion for Continuance, ECF No. 23, a "Motion for Order Denominating the Proceeding Title in the Caption," ECF No. 24, his Objections to the Order dismissing his First Amended Complaint, ECF No. 25, and his Declaration concerning his efforts to mail documents to Defendants. ECF No.

ORDER DENYING MOTIONS # 1

26. The Motions were considered without oral argument on the date signed below.

By Order filed August 29, 2023, the Court Dismissed Plaintiff's First Amended Complaint for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). ECF No. 17. The Court entered judgment the same day. ECF No. 18. The Court found that Plaintiff's assertions that various County Auditors did not permit him, an incarcerated felon, to sit on various Voters' Pamphlet Ballot Committees prior to various Washington State elections, was frivolous and did not state a claim upon which relief may be granted. ECF No. 17 at 2–3. Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro se* and *in forma pauperis*. The Court did not direct that Defendants be served in this action.

MOTION FOR RECONSIDERATION

Courts may review a motion for reconsideration under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider its decision if it ‘(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.’” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (*quoting School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263). “There may also be other, highly unusual, circumstances warranting reconsideration.” *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

Having liberally construed Plaintiff's submissions, the Court finds that he has presented no new facts, information, or newly discovered evidence for the Court to consider in evaluating his request. *Id.* His recitation of events occurring after he submitted his First Amended Complaint on August 22, 2023, ECF No. 13, his efforts to run for elected office, ECF No. 21, and his “Objections,” ECF No. 25, do not warrant reconsideration. Plaintiff has not shown that the Court committed

1 clear error or that the Court's Order Dismissing First Amended Complaint, ECF
2 No. 17, was manifestly unjust. And there has been no intervening change in
3 controlling law or any other circumstances warranting reconsideration. *School*
4 *Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

5 Accordingly, **IT IS HEREBY ORDERED:**

- 6 1. Plaintiff's Motion for Reconsideration, **ECF No. 21**, is **DENIED**.
- 7 2. All other pending Motions, **ECF Nos. 23 and 24**, are **DENIED as**
8 **moot.**
- 9 3. The file shall remain **CLOSED**.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
11 provide a copy to Plaintiff. The Court certifies any appeal of this decision would
12 not be taken in good faith.

13 **DATED** this 12th day of October 2023.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

19 Stanley A. Bastian
20 Chief United States District Judge
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